

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MIRROR WORLDS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

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CIVIL ACTION

6:08-cv-00088-LED

**DEFENDANT APPLE INC.’S OPPOSED MOTION FOR LEAVE TO PRODUCE
CONFIDENTIAL DOCUMENTS IN CURRENTLY PENDING LITIGATION**

Defendant Apple Inc. (“Apple”) hereby files this opposed Motion for Leave to Produce Confidential Documents from this litigation in a pending lawsuit filed by Mirror Worlds Technologies, LLC.¹ Plaintiff Mirror Worlds, LLC (“MW”) is not opposed to the production of its Confidential Information in the *Mirror Worlds II* Lawsuit. In fact, MWI is not opposed to the production of any Confidential Information from this case in the *Mirror Worlds II* Lawsuit. MWI, however, wants Apple to agree to have the Confidential Information of Apple, which was produced in this case, produced to its competitors—the named defendants in *Mirror Worlds v. MSFT* Lawsuit²—without the opportunity to review such information and as appropriate restrict the production of such information. As requested by MWI, Apple is negotiating with the *MSFT* defendants on acceptable limitations on the production of Apple’s Confidential Information to the *MSFT* defendants, but Apple and the *MSFT* defendants have not yet reached agreement.

¹ This motion is filed pursuant to this Court’s Order in a presently pending case styled Mirror Worlds Technologies, LLC v. Apple Inc., et al, U.S. District Court for the Eastern District of Texas, Case No. 6:13-cv-00419 (“*Mirror Worlds II* Lawsuit”) (Mirror Worlds II Lawsuit, Dkt. No. 176).

² *Mirror Worlds Technologies, LLC v. Microsoft Corporation, et al*, U.S. District Court for the Eastern District of Texas, Case No. 6:13-cv-941 (“*Mirror Worlds/MSFTI* Lawsuit”)

This requirement, which was not imposed on Apple by Mirror Worlds in the corresponding motion in *Mirror Worlds II*, is delaying Mirror Worlds and Apple's ability to access information from the *Mirror Worlds I* Lawsuit. Thus, to avoid any further delay or any argument that Apple is intentionally delaying the production of its Confidential Information to Mirror Worlds, Apple files this opposed motion and respectfully requests that the Court grant its motion.

As explained in the Motion for Leave filed in the *Mirror Worlds II* Lawsuit (Dkt No. 174), Mirror Worlds, LLC ("MW"), the plaintiff in this lawsuit, assigned U.S. Patent No. 6,006,227, and other related patents to Mirror Worlds Technologies, LLC ("Mirror Worlds"). Mirror Worlds is currently asserting U.S. Patent No. 6,006,227, against Apple in the *Mirror Worlds II* Lawsuit. MW is now known as Looking Glass LLC, which is owned by Plainfield Special Situations Master Fund Limited. (Dkt. No. 508, Court Order, dated May 2, 2014, at 2).

Pursuant to the terms of the Protective Order (Dkt. No. 104) in this case ("MWI Protective Order"), outside counsel for Apple, including Paul Hastings LLP, and outside counsel for MW, including Stroock & Stroock & Lavan LLP, had access to information designated as "CONFIDENTIAL," "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," "PROSECUTION BAR," "NO PROSECUTION BAR," or "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE" (collectively referred to as "Confidential Information"). The MWI Protective Order prohibits outside counsel in this case from producing Confidential Information received in the *Mirror Worlds I* Lawsuit in any other lawsuit. Ex. A, ¶ 1(a). The MWI Protective Order further prohibits the use of Confidential Information received in this case in any other lawsuit. *Id.*

Apple has produced to Mirror Worlds in the pending *Mirror Worlds II* Lawsuit, documents that Apple produced to MWI in this litigation. However, Apple has not produced

other documents from this case that were designated Confidential Information, such as pleadings, discovery responses, expert reports, deposition transcripts, or the document production of MW or third parties, because of the above-referenced provisions of the MWI Protective Order.

Because the Confidential Information from this case may be relevant to the issues in the *Mirror Worlds II* lawsuit, Apple respectfully requests that the Court enter an Order allowing outside counsel of record in this case to produce Confidential Information from this case to outside counsel for Apple and Mirror Worlds in the *Mirror Worlds II* Lawsuit. Upon entry of such an Order, Apple will instruct its counsel in this case, Paul Hastings LLP, to produce all Confidential Information from this case in its possession to outside counsel for Apple and Mirror Worlds in the *Mirror Worlds II* Lawsuit. Apple further respectfully requests that the Court enter an Order stating that that such Confidential Information will be subject to the terms of the Protective Order in the *Mirror Worlds II* lawsuit.

Dated: May 12, 2014

Respectfully submitted,

/s/ Hilda C. Galvan

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Attorneys for Defendant Apple Inc.

CERTIFICATE OF CONFERENCE

Immediately after this Court denied a corresponding motion filed in the presently pending case styled *Mirror Worlds Technologies, LLC v. Apple Inc., et al*, U.S. District Court for the Eastern District of Texas, Case No. 6:13-cv-00419 (“*Mirror Worlds II* Lawsuit”) (*Mirror Worlds II* Lawsuit, Dkt. No. 176), Apple sent this proposed motion to the Plaintiff. Plaintiff stated that it would not oppose this motion if the production of the documents in *Mirror Worlds II* Lawsuit was subject to the protective order in the *Mirror Worlds II* Lawsuit and if Apple agreed to produce all of the Confidential Information to the defendants in the *Mirror Worlds/MSFTI* Lawsuit. Apple agreed to the protective order issue, as evidenced by the motion. Apple has also attempted to negotiate with the defendants in the *Mirror Worlds/MSFTI* Lawsuit on the production of Apple Confidential Information to the *MSFT* defendants. Apple and the *MSFT* defendants have not yet resolved this issue. Because Apple has been unsuccessful in persuading Plaintiff to withdraw its opposition based on the production to the *MSFT* defendants, Apple must file this motion as opposed.

/s/ Hilda C. Galvan

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court’s CM/ECF system per Local Rule CV-5(a)(3) this 12th day of May, 2014.

/s/ Hilda C. Galvan